

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;
I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MEDICAL VALVE WITH POSITIVE FLOW CHARACTERISTICS; the specification of which was filed on May 14, 1998 as Application Serial No. 09/078,941.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **08/767,587**

Filing Date: **December 16, 1996** Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Thomas F. Fangrow, Jr.**

Inventor's signature Thomas F. Fangrow Jr.

Date 9/16/98

Residence: **24595 Alcoba Dr., Mission Viejo, California 92691**

Citizenship: **U.S.**

Post Office Address: **Same**

Full name of second inventor: **Jonathan T. Schmidt**

Inventor's signature Jonathan T. Schmidt

Date 09/23/98

Residence: **1132 Balboa Boulevard, Apt. B, Newport Beach, CA 92663**

Citizenship: **U.S.**

Post Office Address: **Same**

Full name of third inventor: **Daniel J. Wait**

Inventor's signature Daniel J. Wait

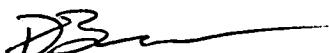
Date 09/16/98

Residence: **929 South Karen Avenue, Santa Ana, CA 92704**

Citizenship: **U.S.**

Post Office Address: **Same**

Full name of fourth inventor: **Dennis M. Bui**

Inventor's signature 

Date 9-25-98

Residence: **2678 North Bentley Street, Orange, CA 92867**

Citizenship: **U.S.**

Post Office Address: **Same**

rsw-6238:rdc:dd2
081198

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

Applicant or Patentee: Thomas F. Fangrow, Jr. et al.
Application or Patent No.: 09/078,941

Attorney's Docket No.: ICUMM.078CP1

Page 1

Filed or Issued: May 14, 1998

For: MEDICAL VALVE WITH POSITIVE FLOW CHARACTERISTICS



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL-ENTITY STATUS

I undersigned, do hereby declare that:

I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ICU Medical, Inc.

ADDRESS OF CONCERN: 951 Calle Amanecer, San Clemente, California 92673

I further declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. I further declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the patent or application identified above.

The individual, concern or organization identified above has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

If the rights held by the above-identified individual, concern or organization are not exclusive, each individual, concern or organization having rights in the invention are identified below. Each such individual, concern or organization must file separate verified statements averring to their status as small entities.

***NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).**

FULL NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small-entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: George A. Lopez, M.D.

TITLE OF PERSON (if not an owner or individual): President

ADDRESS OF PERSON SIGNING: 951 Calle Amanecer, San Clemente, California 92673

SIGNATURE:

rsw-6249:rdc/071398

DATE:

5/25/98